



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

N O T I C E

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **28 July 2021** which reads as follows:*

“G.R. No. 256484 (Benjie Rodriguez y Dela Cruz v. People of the Philippines). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the Decision² dated October 26, 2020 and the Resolution³ dated March 22, 2021 of the Court of Appeals (CA) in CA-G.R. CR No. 41541 for failure of petitioner Benjie Rodriguez y Dela Cruz (Rodriguez) to sufficiently show that the CA committed any reversible error in finding him guilty beyond reasonable doubt of the crimes of Illegal Sale of Firearms and Ammunitions and Illegal Possession of Dangerous Drugs, respectively defined and penalized under Section 32, Article V of Republic Act No. (RA) 10591⁴ and Section 5, Article II of RA 9165.⁵

As correctly ruled by the courts *a quo*, all the respective elements of the foregoing crimes are present. The prosecution clearly established that during a legitimate buy-bust operation conducted by law enforcement operatives, Rodriguez was caught *in flagrante delicto* selling a caliber .38 revolver (*paltik*) without a serial number and loaded with ammunition,⁶ making him guilty of Illegal Sale of Firearms and Ammunitions.⁷ The warrantless arrest and corresponding search upon his person yielded two (2) heat-sealed transparent

¹ See Petition for Review on *Certiorari* dated July 8, 2021; *rollo*, pp. 14-39.

² Id. at 43-58. Penned by Associate Justice Ronaldo Roberto B. Martin with Associate Justices Manuel M. Barrios and Alfredo D. Ampuan, concurring.

³ Id. at 60-61.

⁴ Entitled ‘AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF,’ approved on May 29, 2013.

⁵ Entitled ‘AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES,’ approved on June 7, 2002.

⁶ *Rollo*, pp. 44-45.

⁷ Section 32. *Unlawful Manufacture, Importation, Sale or Disposition of Firearms or Ammunition or Parts Thereof, Machinery, Tool or Instrument Used or Intended to be Used in the Manufacture of Firearms, Ammunition or Parts Thereof.* – The penalty of *reclusion temporal* to *reclusion perpetua* shall be imposed upon any person who shall unlawfully engage in the manufacture, importation, sale or disposition of a firearm or ammunition, or a major part of a firearm or ammunition, or machinery, tool or instrument used or intended to be used by the same person in the manufacture of a firearm, ammunition, or a major part thereof.

x x x x

12/11

plastic sachets containing a total of 0.105 grams of white crystalline substance.⁸ Rodriguez failed to show any documents authorizing him to possess the same. Furthermore, all the links of the chain of custody were likewise established, considering that: (a) the seized drugs and firearm were immediately marked, inventoried, and photographed in the presence of Rodriguez and Barangay Councilors Cresencio Bueno, Sr. and Angel Tamesa; (b) the failure of the apprehending officers to secure the presence of either a representative of the National Prosecution Service or the media⁹ to serve as the second witness is excused since the remote nature of the place of arrest, *i.e.*, an uninhabited side of a mountain in Barangay Tampac, Aguilar, Pangasinan, is among the recognized justifiable reasons¹⁰ therefor; (c) the caliber .38 revolver, the live ammunition, and the spent shell were delivered to the Pangasinan Provincial Crime Laboratory Office for requisite examination while the seized drugs were sent to the Philippine National Police Crime Laboratory for Police Chief Inspector Myrna Todeno's (PCI Todeno) confirmatory examination; (d) after examination, PCI Todeno turned over the seized drugs to PO3 Elmer Manuel (PO3 Elmer), the evidence custodian; and (e) PCI Todeno retrieved the seized items from PO3 Elmer and delivered the same to the court for identification.¹¹ As the chain of custody over the seized items remained unbroken, preserving the integrity and evidentiary value of the *corpus delicti*, Rodriguez' conviction for the two (2) crimes must stand.¹²

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated October 26, 2020 and the Resolution dated March 22, 2021 of the Court of Appeals in CA-G.R. CR No. 41541 and **AFFIRMS** said Decision as follows:

- (a) in Criminal Case No. L-11691, petitioner Benjie Rodriguez y Dela Cruz is found **GUILTY** beyond reasonable doubt of Illegal Sale of Firearms and Ammunitions, as defined and penalized under Section 32, Article V of Republic Act No. 10591, otherwise known as the 'Comprehensive Firearms and Ammunition Regulation Act.' Accordingly, he is sentenced to suffer the indeterminate sentence of ten (10) years and one (1) day of *prision mayor*, as minimum, to sixteen (16) years and one (1) day of *reclusion temporal*, as maximum, with all the accessory penalties provided for under the law; and
- (b) in Criminal Case No. L-11692, petitioner Benjie Rodriguez y Dela Cruz is found **GUILTY** beyond reasonable doubt of Illegal Possession of Dangerous Drugs, as defined and penalized under Section 11, Article II of Republic Act No. 9165, as amended, otherwise known as the 'Comprehensive Dangerous Drugs Act of 2002.' Accordingly, he is sentenced to suffer the indeterminate sentence of twelve (12) years and one (1) day, as minimum, to seventeen (17) years, as maximum, and to pay a

⁸ *Rollo*, p. 45.

⁹ See *Lindongan v. People*, UDK-16615, February 15, 2021.

¹⁰ See *People v. Lim*, G.R. No. 231989, September 4, 2018.

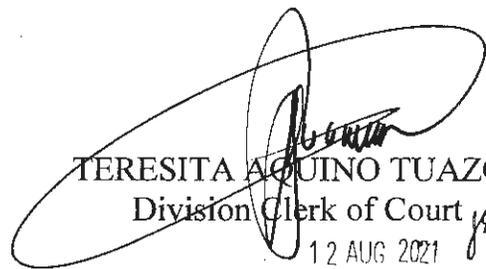
¹¹ *Rollo*, pp. 45-48. See also *id.* at 93-95.

¹² See *People v. Esguerra*, G.R. No. 243986, January 22, 2020.

fine in the amount of ₱300,000.00, with all the accessory penalties provided for under the law.

SO ORDERED." (Rosario, J., designated additional member per Special Order No. 2835 dated July 15, 2021).

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
12 AUG 2021

PUBLIC ATTORNEY'S OFFICE (reg)
Special & Appealed Cases Service
Department of Justice
PAO-DOJ Agencies Building
NIA Road corner East Avenue
1104 Diliman, Quezon City

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

BENJIE RODRIGUEZ y DELA CRUZ (reg)
Petitioner
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 69
Lingayen, Pangasinan
(Crim. Case No. L-11691 & L-11692)

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
PHILIPPINE JUDICIAL ACADEMY (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 41541

Please notify the Court of any change in your address.
GR256484. 07/28/2021(2)URES